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January 23, 2002

Filed Electronically

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room: TW-A325  
Washington, DC 20554

Re: **Ex Parte Meeting**  
*Establishment of Rules and Policies for the Satellite Digital Audio Radio  
Service in the 2310-2360 MHz Band, IB Docket No. 95-91*

Dear Ms. Salas:

On January 22, 2002, William Wiltshire of Harris, Wiltshire & Grannis (representing AT&T Wireless), Karen Possner of BellSouth, Mary O'Connor of WorldCom, Paul Sinderbrand of Wilkinson Barker Knauer (representing the Wireless Communications Association International), and the undersigned met with Peter Tenhula, Senior Legal Advisor to Chairman Powell, to discuss the Commission's pending Notice of Proposed Rulemaking on SDARS terrestrial repeaters.

In this meeting, we discussed recent filings made by the "WCS Coalition" (which includes AT&T Wireless, BeamReach Networks, BellSouth, Metricom, Verizon Wireless, WorldCom, and WCAI) in the above captioned proceeding. Specifically, we discussed the significant interference that the operation of SDARS terrestrial repeaters above 2 kW will have on the operations of WCS and the inadequacy of the proposals made by the SDARS licensees to resolve this interference.

The compensation methodology proposed by the SDARS licensees will not resolve the interference caused by operation of high-power SDARS repeaters, because (1) it excludes CPE, (2) it excludes any costs other than the costs of filters, (3) it limits the compensation to an extremely short period of time – that would generally expire before WCS begins to be widely deployed, and (4) would cap total compensation at only \$1,000,000 for all WCS licensees – a small fraction of the costs imposed on WCS licensees by this interference.

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Moreover, the SDARS' compensation proposal presumes that there is a simple and inexpensive technical solution to the interference problems caused by the operation of high power terrestrial repeaters. As the record clearly shows, this is not the case. The only feasible way to prevent such harmful interference to WCS operations is to cap the power of SDARS terrestrial repeaters. We urge the Commission to establish a 2 kW power limit that would govern the long-term operations of SDARS terrestrial repeaters. This is the current standard power level for the 2.3 GHz band, and would allow both WCS and SDARS licensees to deploy their networks without harmful interference. To the extent that SDARS licensees require time to transition to this power level, the WCS Coalition recommends the adoption of its "sunset proposal." Under this proposal, the SDARS licensees could continue to operate high-power repeaters in many circumstances, but would be required to transition to 2 kW over the long-term.

Please include a copy of this ex parte presentation in the record for the above captioned proceeding. If you have any questions, you may call me on (202) 589-3785.

Respectfully submitted,

Donald C. Brittingham

cc: Peter Tenhula